

PATENT | 19603/3306 (CRF D-2136B) /

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.) Examiner:
) A. Kubelik
Serial No. : 09/597.513

Serial No. : 09/597,513)

Cnfrm. No. : 5828) Art Unit:

Filed : June 20, 2000

For : HYPERSENSITIVE RESPONSE ELICITOR FROM *PSEUDOMONAS*

SYRINGAE AND ITS USE

ECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In response to the September 17, 2001, written restriction requirement, applicants hereby elect Group I (i.e. claims 1-16) with traverse. Applicants submit that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Since no benefit is derived from imposing this restriction requirement, it should be withdrawn in its entirety.

Respectfully submitted,

Date: September 24, 2001

Edwin V. Merkel Registration No. 40,087

Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603 Telephone: (716) 263-1128 Facsimile: (716) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, Washington, D.C. 20231, on the date below.

Wenely L. Harreld